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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ROMEO FOMAI,

12 Petitioner,

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14 vs.

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17 MICHAEL CHERTOFF, MICHAEL
18 MUKASEY, ROBIN F. BAKER, and JOHN
19 A. GARZON

20 Respondents.
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CASE NO. 08cv1066 – IEG (RBB)

ORDER:

(1) **GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS***
(Doc. No. 2.);

(2) **GRANTING MOTION FOR
APPOINTMENT OF COUNSEL**
(Doc. No. 3); and

(3) **ORDERING RESPONDENTS
TO SHOW CAUSE WHY
PETITIONER’S REQUEST FOR
HABEAS CORPUS RELIEF
PURSUANT TO 28 U.S.C. § 2241
SHOULD NOT BE GRANTED**
(Doc. No. 1).

22 Presently before the Court are a petition for writ of habeas corpus pursuant to 28 U.S.C. §
23 2241, a motion to proceed *in forma pauperis*, and a motion for appointment of counsel filed by Romeo
24 Fomai (“petitioner”). (Doc. Nos. 1-3.) Petitioner is a Western Samoan national and has been held in
25 immigration custody since December 11, 2006. (*Id.* at 3.) An immigration judge ordered petitioner
26 removed from the United States to Western Samoa on November 26, 2007. (*Id.*) Respondents have
27 been unable to obtain travel documents in the seven months since his final order of removal, and thus
28 petitioner argues his removal is not foreseeable and his continuing detention impermissible. (*Id.* at

1 3.)


2 Based on the information contained in petitioner's declaration and the certified copy of
3 petitioner's trust account statement, the Court hereby **GRANTS** plaintiff's motion for *in forma*
4 *pauperis* standing.

5 Petitioner also moves for appointment of counsel pursuant to 18 U.S.C. § 3006A. The Federal
6 Defenders of San Diego, Inc., is ready and able to assist petitioner in this matter. (James Fife
7 Declaration at 1-3.) Section 3006A(a)(2)(b) provides that when the Court determines that "the
8 interests of justice so require," the Court may appoint counsel for financially eligible individuals who
9 are seeking relief under 28 U.S.C. § 2241. Having carefully considered the arguments raised in
10 petitioner's motion, the Court finds the appointment of counsel is appropriate in this case. The Court
11 therefore **GRANTS** petitioner's motion for appointment of counsel and **APPOINTS** Federal
12 Defenders of San Diego, Inc. to represent him.

13 Upon receipt of the petition, and finding that the matter is not appropriate for summary
14 disposition, the Court furthermore **ORDERS** respondents to show cause why the petition should not
15 be granted. Respondents shall have until **July 28, 2008** to file and personally serve an answer to the
16 petition. Petitioner may file a traverse by no later than **August 18, 2008**. Unless the Court orders
17 otherwise, the matter will be taken under submission and decided without oral argument. Local Rule
18 7.1(d)(1).

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20 **IT IS SO ORDERED.**

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22 **DATED: June 20, 2008**

23 
24 **IRMA E. GONZALEZ, Chief Judge**
25 **United States District Court**
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